

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:12-cr-188-FDW-DSC-28**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>PERRY GORONTENT WILLIAMS,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**THIS MATTER** comes before the Court on Defendant’s *pro se* Letter that is construed as a Motion [Doc. 1187], and Motion to Compel Defense Counsel to Surrender the Case File [Doc. 1217].

The Defendant is presently serving a 360-month sentence for racketeering conspiracy and conspiracy to commit murder in aid of racketeering. [Doc. 829]. The Fourth Circuit affirmed on February 9, 2016. United States v. McIntyre, 639 F.App’x 171 (4<sup>th</sup> Cir. 2016). The Defendant has now filed a Motions seeking a copy of the trial transcript and other materials from the case file. He states that he intends to file a Motion to Vacate pursuant to 28 U.S.C. § 2255.<sup>1</sup>

Under Rule 1.16(d) of the North Carolina Rules of Professional Conduct, “[u]pon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client’s interests, such as ... surrendering papers and property to which the client is entitled.” See United States v. Basham, 789 F.3d 358, 388 (4<sup>th</sup> Cir. 2015) (reviewing legal authority requiring counsel to deliver client’s file upon termination of representation); see, e.g., United

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<sup>1</sup> The Defendant is cautioned that § 2255 contains timeliness and procedural requirements including a one-year statute of limitations, which is subject to some exceptions. See generally 28 U.S.C. § 2255(f); United States v. Prescott, 221 F.3d 686, 688 (4<sup>th</sup> Cir. 2000).


States v. Champion, 794 F. App'x 289 (4<sup>th</sup> Cir. 2020) (addressing a motion to compel trial counsel to produce defendant's case file so he can pursue § 2255 relief).

The Defendant claims that he has requested these documents from his appellate lawyer to no avail. Counsel will, therefore, be ordered to respond to the Motions within 21 days of this Order.

**IT IS, THEREFORE, ORDERED** that John Clark Fischer shall respond to the Defendant's pending Motions [Docs. 1187, 1217] no later than **twenty-one (21) days** of this Order.

The Clerk is respectfully instructed to mail a copy of this Order to the Defendant and to John Clark Fischer, Randolph & Fischer, 925 West 4<sup>th</sup> Street, Winston-Salem NC 27101.

Signed: June 10, 2022

  
Frank D. Whitney  
United States District Judge

